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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,200	12/05/2000	Jon Schmidt Kindred	899.036US1	7265
;	7590 08/27/2003			
Schwegman, Lundberg, Woessner & Kluth, P.A.			EXAMINER	
P.O. Box 2938 Minneapolis, MN 55402			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
÷.		·	2644	Cl
		•	DATE MAILED: 08/27/2003	4

Please find below and/or attached an Office communication concerning this application or proceeding.



			\sim 1
	Application No.	Applicant(s)	
	09/730,200	KINDRED ET AL.	
Office Action Summary	Examiner	Art Unit	
	Laura A Grier	2644	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet w	ith the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a y within the statutory minimum of thi will apply and will expire SIX (6) MOI , cause the application to become A	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
1) Responsive to communication(s) filed on	·		
2a) This action is FINAL . 2b) Thi	is action is non-final.		
Since this application is in condition for allowat closed in accordance with the practice under a Disposition of Claims			\$
4) Claim(s) <u>1-59</u> is/are pending in the application	ı .		
4a) Of the above claim(s) is/are withdraw	wn from consideration.		
5) Claim(s) is/are allowed.			
6) Claim(s) is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) <u>1-59</u> are subject to restriction and/or e	election requirement.		
Application Papers			
9) The specification is objected to by the Examiner			
10) The drawing(s) filed on is/are: a) accep	•		
Applicant may not request that any objection to the	• • • • • • • • • • • • • • • • • • • •	` '	
11) The proposed drawing correction filed on		lisapproved by the Examiner.	
If approved, corrected drawings are required in rep	•		
12) The oath or declaration is objected to by the Exa	aminer.		
Priority under 35 U.S.C. §§ 119 and 120			
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
a) ☐ All b) ☐ Some * c) ☐ None of:			
1. Certified copies of the priority documents	s have been received.		
2. Certified copies of the priority documents		···	
 3. Copies of the certified copies of the prior application from the International Bur * See the attached detailed Office action for a list of the certified copies of the prior application. 	reau (PCT Rule 17.2(a)).	_	
14) Acknowledgment is made of a claim for domestic	c priority under 35 U.S.C.	§ 119(e) (to a provisional application	n).
a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domestion			
Attachment(s)	. ,		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	

Application/Control Number: 09/730,200

Art Unit: 2644

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: the specification discloses 9 figures which includes 5 different embodiments.

Embodiment 1: Figure 1 is drawn to a system comprising a microphone for converting sound into an electrical signal coupled thereto a preamplifier, A/D converter, a filter with a feedback path comprising envelope detection, loop control and a D/A converter to provide an output to a DSP.

Embodiment 2: Figure 6 is drawn to a system comprising a microphone for converting sound into an electrical signal coupled thereto a preamplifier, A/D converter, a decimator, and interpolator to output to a speaker, and after the signal passes through decimation it is processed by a digital automatic gain control in a feedback manner and passes through a D/A converter.

Embodiment 3: Figure 7 is drawn to a low frequency filter.

Embodiment 4: Figure 8 is drawn to a IIR filter.

Embodiment 5: Figure 8 is drawn the method of a feedback loop.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

August 22, 2003

MINSUN OH HARVEY PRIMARY AMINER